

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Mr. G's Ice-cream & Grill, Felix	)	Civil Action No.: 4:12-cv-02076-RBH
Serra, and Deborah Serra,	)	
	)	
Plaintiffs,	)	
	)	<b>ORDER</b>
v.	)	
	)	
Wayne Hewitt, Officer C. Porter,	)	
Sgt. R. Arwood, Officer Julie Smith	)	
(Public Safety), Officer Jerry	)	
Gordon (Public Safety), Paul Blust	)	
(Zoning Administrator), John	)	
Smithson (City Manager), Mike	)	
Mahoney (City Manager), Richard	)	
J. Buddelmeyer (Chief of Police),	)	
the City of North Myrtle Beach,	)	
Butch Costner (Building Inspector),	)	
Officer Amy Vymislicky, and	)	
Officer Heather Swathout,	)	
	)	
Defendants.	)	
	)	

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The Court has been advised by counsel for the parties that all claims and counterclaims (however those claims are designated in this action) between Plaintiffs Mr. G's Ice-cream & Grill, Felix Serra, and Deborah Serra, and Defendants Officer C. Porter, Sgt. R. Arwood, Officer Julie Smith (Public Safety), Officer Jerry Gordon (Public Safety), Paul Blust (Zoning Administrator), John Smithson (City Manager), Mike Mahoney (City Manager), Richard J. Buddelmeyer (Chief of Police), the City of North Myrtle Beach, Butch Costner (Building Inspector), Officer Amy Vymislicky, and Officer Heather Swathout have been settled. The Court **HEREBY ORDERS** that this action is **DISMISSED** without costs and *without prejudice* as to the claims between those parties only. The action shall proceed as to the claims pending

between Plaintiffs Mr. G's Ice-cream & Grill, Felix Serra, and Deborah Serra, and Defendant Wayne Hewitt.

If settlement is not consummated within a reasonable time, either party may within sixty (60) days petition the Court to reopen the action and restore it to the calendar. Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the court to enforce the settlement. *Fairfax Countywide Citizens v. Fairfax Cnty.*, 571 F.2d 1299 (4th Cir. 1978).

The dismissal of the claims hereunder shall be *with prejudice* if no action is taken under either alternative within sixty (60) days from the filing date of this Order.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
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R. Bryan Harwell  
United States District Judge

April 25, 2014  
Florence, South Carolina